



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
MEETING MINUTES
Tuesday, April 5, 2022

1. **Call to Order.** Mark Myers, Board Chair called the Board meeting to order at 9:06 a.m. Member Marianne Bowers was also in attendance so that a quorum was present. Vice-Chair Nan Nash was absent.
2. **Approval of Agenda.** Member Bowers moved to approve the agenda. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
3. **Approval of March 1, 2021 Meeting Minutes.** Member Bowers moved to approve the March 1, 2022 Meeting Minutes. The Chair seconded the motion and the motion passed unanimously upon a roll call vote.
4. **Public Comments.** The Chair asked if there were any public comments. There were none.
5. **Impasse Resolution.** The Executive Director informed the Board that staff were informed that the impasse in *Las Vegas POA/FOP & Las Vegas*; PELRB 501-21 had been resolved and the file closed.
6. **Voluntary Dismissals.** The Executive Director reported that the PPCs in *AFSCME v. SPO & NMCD*, PELRB 129-21; *AFSCME v. Rio Rancho*, PELRB 102-22; *CVFUSE-AFT v. Chama Valley Independent Schools*, PELRB 125-21; and *TECS-NEA v. Tierra Encantada Charter School*; PELRB 101-22, had all been withdrawn pursuant to settlement agreements entered into prior to merits hearings and Voluntary Dismissals issued in each case. Staff were directed to close the files.
7. **Summary Dismissals.** The Executive Director informed the Board of the unusual procedural history of the Decertification Petition in re: *Victoria Gurule & AFSCME, Council 18*; PELRB 301-22. After it was filed the union disclaimed its position as exclusive representative of the bargaining unit in question. With no exclusive representative to decertify, no purpose would be served by proceeding with the decertification petition and so, he summarily dismissed the Petition. No one requested Board review of the Summary Dismissal.

Director Griego told the Board that *Rodriguez & TECS-NEA*; PELRB 302-22 also presented unusual procedural facts in that staff had received 11 decertification petitions from employees of Tierra Encantada Charter School, none of which were accompanied by the requisite showing of interest that would allow staff to proceed with the Petitions. Rather than open 11 separate files and reject all 11 Petitions, the Director decided to regard the first Petition filed, that by Alma Linan Rodriguez, as the primary filing regarding the other 10 petitions as the requisite showing of support. The petition was then dismissed on the grounds that none of the petitioners were members of the labor organization to be decertified and that it had been less than one year since the certification of the exclusive representative.

Member Bowers stated that she found the Executive Director's reasoning supporting the dismissals to be sound and felt the Board should take action to affirm the dismissals and

inquired of the Board's counsel if that would be acceptable. Counsel stated that because the cases appeared on the agenda for the Board's consideration, such an action would be within the Board's purview. Member Bowers then moved to affirm the Executive Director's dismissal of *Victoria Gurule & AFSCME, Council 18*; PELRB 301-22 and also moved to affirm the Executive Director's dismissal of *Rodriguez & TECS-NEA*; PELRB 302-22. Chair Myers seconded the motions and the motions carried unanimously upon a roll call vote.

8. **Hearing Officer's Report and Recommended Decision.** The Executive Director informed the Board that he had issued a Report and Recommended Decision in *NMCPSO v. Santa Fe County*; PELRB 133-21, but the time to request Board review had not yet passed and any action required of the Board would take place at the May meeting.
9. **CFO Quarterly Financial Report.** CFO Tanya Ramirez addressed the Board regarding the budget. She stated that the OPBUDs 3 and 4 had been approved and although the 400 category was currently over budget, the deficiency would be covered by our special budget request.
10. **Director's Reports.**
 - a. The Executive Director reported that a card check had been conducted in *UE & NMSU*; PELRB 313-21 but objections to the card check were received and the Report on those objections was not yet complete. The matter would appear on the May agenda for the Board's consideration.
 - b. The Executive Director informed the Board that the appeal of their decision in *University of N.M. v. United Electrical Radio and Machine Workers of America*; D-202-CV2021-06615 had been withdrawn. Counsel for the Board stated that no further action was required by the Board and the file could be closed.
11. **Adjournment.** Member Bowers moved to adjourn. The Chair seconded the motion and the motion passed unanimously upon a roll call vote. The time was 9:42 a.m.